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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

SEAN SWENSON, an individual,  
  
Plaintiff,

v.

GEICO CASUALTY COMPANY, a foreign  
corporation; DOES I through XX, inclusive;  
and ROE CORPORATIONS I through XX,  
inclusive,  
  
Defendants.

Case No. 2:19-cv-01639-JCM-NJK

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINE  
DATES (THIRD REQUEST)**

Defendant GEICO Casualty Company (“GEICO”), by and through its attorneys of record of the law firm McCormick, Barstow, Sheppard, Wayte, & Carruth LLP, and Plaintiff Sean Swenson (“Plaintiff”), by and through his attorneys of record of the law firm Mainor Wirth, LP, hereby file this Stipulation and Order to Continue Discovery Deadline Dates (Third Request), specifically seeking to extend the discovery deadline and dates related thereto by 90 days.

IT IS HEREBY STIPULATED AND AGREED between the parties to extend the discovery deadline of June 29, 2020; the dispositive motions deadline of July 29, 2020; and the joint pre-trial order deadline of August 28, 2020. In accordance with Local Rule 26-4, the parties state as follows:

**I. DISCOVERY COMPLETED BY THE PARTIES:**

The parties have served their initial disclosures, including supplements thereto. The parties have both propounded and responded to written discovery. Further, both parties have filed and served their expert witness disclosures. The parties have been discussing depositions of the Plaintiff and various employees of Defendant, though scheduling is made significantly more difficult due to the present uncertainty outlined in the following section.

**II. DISCOVERY WHICH REMAINS TO BE COMPLETED:**

Plaintiff intends to depose the relevant claims handling personnel at GEICO, all of whom reside out of state. GEICO also seeks to depose Plaintiff and a number of his treating providers. The parties also seek to depose experts once discovery efforts are no longer impeded by the various state-wide shelter-in-place orders issued in response to COVID-19.

**III. REASON WHY DISCOVERY WAS NOT SATISFIED OR COMPLETED WITHIN THE TIME LIMIT SET BY THE DISCOVERY PLAN:**

The parties have been working diligently throughout the discovery process. As indicated above, the parties had begun discovery efforts in terms of disclosures and written discovery. However, in light of the ongoing COVID-19 pandemic, the parties have been unable to coordinate depositions. Specifically, Defendant's counsel was advised on March 10, 2020, that GEICO has put a ban on all work travel and meetings (both local and out of state) in response to the Coronavirus pandemic. Plaintiff was willing to move forward with the depositions by videoconferencing. However, GEICO's position is that it has a ban on any employee travel or work-related contact until August, and it further takes the position that the GEICO employees cannot be appropriately prepared or defended other than in person. Accordingly, Plaintiff has agreed to the requested continuance before the Court in order to move the depositions to August 25-28.

**IV. GOOD CAUSE EXISTS TO GRANT THE REQUESTED EXTENSION**

The instant stipulation is submitted within the timeframe outlined by LR II 26-4. As stated above, there have been certain unforeseeable and unavoidable obstacles presented by the onset of the COVID-19 pandemic and both the federal and state governments declaring a state of emergency. Accordingly, the parties are of the position that the depositions will be ready to move forward once

the country is cleared to conduct business as usual. With this uncertainty, a 90 day extension of the discovery cut-off date and all deadlines related thereto is a reasonable amount of time to permit these various depositions, some of which are out-of-state and requiring travel, to proceed.

The instant stipulation is not intended to cause undue hardship or delay.

**V. THE CURRENT SCHEDULE FOR COMPLETION OF ALL REMAINING DISCOVERY:**

The parties request that the pertinent discovery deadlines set forth in the Court's Scheduling Order be continued ninety (90) days, as follows:

A. ESTIMATE OF TIME REQUIRED FOR DISCOVERY: Pursuant to Local Rule 26-1(b)(1), and with the Court's approval, discovery shall be completed on or before September 28, 2020.

B. DISPOSITIVE MOTIONS: Unless otherwise stated herein, and the Court so orders, the date for filing dispositive motions shall be thirty (30) days after the discovery cut-off date, but not later than October 28, 2020.

C. PRETRIAL ORDER: Unless otherwise stated herein, and the Court so orders, the joint pretrial order shall be filed thirty (30) days after the date set for filing dispositive motions, but not later than November 27, 2020.

DATED this 5th day of June, 2020

MAINOR WIRTH, LLP

/s/ Ash M. Ganier

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Attorneys for Plaintiff  
Sean Swenson

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1 DATED this 5th day of June, 2020

2 McCORMICK, BARSTOW, SHEPPARD, WAYTE &  
3 CARRUTH, LLP

4 /s/ Jonathan W. Carlson

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11 Attorneys for Defendant

12 GEICO Casualty Company

13 **IT IS SO ORDERED.**

14 Dated: June 8, 2020

15 By

16   
17 UNITED STATES MAGISTRATE JUDGE

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